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May 22, 1992

Federal Communications Commission  
Office of the Secretary

To: The Honorable Alfred Sikes, Chairman  
The Honorable Andrew Barrett,  
The Honorable James Cuello,  
The Honorable Ervin Duggan,  
The Honorable Sherrie Marshall,  
Commissioners.  
The Federal Communications Commissions,  
1919 M St., N.W.,  
Washington, D.C. 20554

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FCC MAIL BRANCH

In the matter of:  
Proposed Rulemaking, CC Docket No. 92-90  
The Telephone Consumer Protection Act of 1991.

Dear Sirs and Madam:

Thank you for the opportunity to comment on P.L. 102-243, The Telephone Consumer Protection Act of 1991. It is my hope and expectation that a government of the people, for the people, and by the people is more than a slogan from days gone by.

Having had years of experience as a telemarketer with a major nation-wide telemarketing firm and a major nationwide university fundraising center, I have watched and listened with great interest to the public outcry, congressional debate and FCC review of telephone solicitation to residential subscribers.

Here are some real world observations from the "inside":

- \* Telemarketing is a "contact sport." Calling hours are maximized to reach prospective buyers during dinner, Saturday mornings and Sunday evenings.
- \* Approximately 50% of calls reaching a prospective buyer result in a hang-up in the first 30 seconds of contact. This rejection rate is the reason for high employee turnover in the telemarketing industry.
- \* Promises of donations to known favorite charities as a condition of purchase is an effective leverage in telephone solicitation. Gifts for known children is another.
- \* Of calls reaching prospective buyers in Florida, many consumers had joined Florida's opt-out database. Many mentioned that the current sales call was the fourth or fifth such sales call received that evening. Obviously, there is a problem coordinating the databases.

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- \* Other "solutions" by consumers include: taking the phone off the hook, using answering services, using the call screening function of an answering machine, using their children to screen calls, being verbally abusive to the telemarketer, and finally, buying or donating something just to get the call over with.

What is an effective solution to the problem of telephone solicitations to residential subscribers?

#### CHOICE.

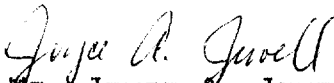
Not choices made by well-intentioned agencies for consumers, but rather choices made by informed consumers in the market place of goods and services.

I have been in contact with Dr. Robert Buchan in Troy, Ohio, and I urge you to call (513) 339-7002. This entrepreneur has created an elegant solution to a complex problem. Think about the employment that such a product would create here in the United States. Think about the multiple expansion of tax revenues from sales, salaries and residual consumption based on the production and consumption of such a product. Compare this to the cost of administering a national opt-out database similar to Florida's. I think you'll agree that a market solution to the problem of privacy and telephone solicitation must be available to the residential subscriber.

Therefore, I urge you to include "prior non-consent" language as per Ohio Revised Code, Title XXIX, Sec. 2917.21, A (5) (attached), issuable to any calling entity either verbally or in writing by telephone service subscribers.

Thank you for your consideration. I look forward to the favor of your reply.

Sincerely,

  
Ms. Joyce A. Jewell  
416 East Second Street  
Bloomington, IN 47401

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TITLE XXIX CRIMES-PROCEDURE

CHAPTER 2917 OFFENSES AGAINST THE PUBLIC PEACE

SUBCHAPTER HARASSMENT

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@ 2917.21 Telephone harassment

(A) No person shall knowingly make or cause to be made a telephone call, or knowingly permit a telephone call to be made from a telephone under his control, to another, if the caller does any of the following:

(1) Fails to identify himself to the recipient of the telephone call and makes the telephone call with purpose to harass, abuse, or annoy any person at the premises to which the telephone call is made, whether or not conversation takes place during the telephone call;

(2) Describes, suggests, requests, or proposes that the caller, recipient of the telephone call, or any other person engage in, any sexual activity as defined in division (C) of section 2907.01 of the Revised Code, and the recipient of the telephone call, or another person at the premises to which the telephone call is made, has requested, in a previous telephone call or in the immediate telephone call, the caller not to make a telephone call to the recipient of the telephone call or to the premises to which the telephone call is made;

(3) During the telephone call, violates section 2903.21 of the Revised Code;

(4) Knowingly states to the recipient of the telephone call that he intends to cause damage to or destroy public or private property, and the recipient of the telephone call, any member of the family of the recipient of the telephone call, or any other person who resides at the premises to which the telephone call is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;

(5) Knowingly makes the telephone call to the recipient of the telephone call, to another person at the premises to which the telephone call is made, or to the premises to which the telephone call is made, and the recipient of the telephone call, or another person at the premises to which the telephone call is made, has previously told the caller not to call the premises to which the telephone call is made or not to call any persons at the premises to which the telephone call is made.

(B) No person shall make or cause to be made a telephone call, or permit a telephone call to be made from a telephone under his control, with purpose to

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abuse, threaten, annoy, or harass another person.

(C) Whoever violates this section is guilty of telephone harassment, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, then telephone harassment is a felony of the fourth degree.